



NOVEMBER 14, 2012 REGULAR MEETING

1. MEETING OPENS AT 12:00 P.M. - MEETING STATEMENT:

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press, The Star Ledger, The Independent, and Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on November 9, 2012.

2. ROLL CALL

Deputy Mayor Massell _____ Committeewoman Murray _____

Committeeman Scharfenberger _____ Committeeman Settembrino _____

Mayor Fiore _____

3. PLEDGE OF ALLEGIANCE

- a. Moment of Silence to Honor the Troops Serving World Wide Defending our Freedoms, Constitutions, and Way of Life

4. CONSENT AGENDA

12-247 Resolution Ratifying Emergency Contract with Ashbritt, Inc. For Storm Debris Removal Services under State Contract
12-248 Resolution Ratifying Emergency Contract with Arcadis-Us, Inc. For Storm Debris Management Monitoring and Technical Assistance Services Under State Contract
12-249 Resolution Ratifying Emergency Contract With Bennett Property & Design Works For Curbside Collection And Trucking Of Storm Debris
12-250 Resolution Setting the Grace Period Due to Hurricane Sandy for the November Tax Quarter 2012

5. TOWNSHIP COMMITTEE COMMENTS

6. PUBLIC COMMENTS

7. EXECUTIVE SESSION

8. ADJOURNMENT

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Township Committee may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Township Attorney and Administrator that the Township Committee go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown that the Committee shall go into executive session to discuss the following items:

1) Potential Property Acquisitions or Sales – N.J.S.A. 10:4-12(b)(5)

Emergency Sale/Lease/Use of Public Properties (ATOD Nov. 2012)

2) Personnel Matters – N.J.S.A. 10:4-12(b)(8)

Emergency Volunteer Coordinators for Relief Efforts (ATOD Nov. 2012)

3) Contract Negotiations – N.J.S.A. 10:4-12(b)(4)

Emergency Contracts Relating To Superstorm Sandy (ATOD Nov. 2012)

4) Litigation/Potential Litigation – N.J.S.A. 10:4-12(b)(7)

None

RESOLUTION NO. 12-247

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION RATIFYING EMERGENCY CONTRACT WITH ASHBRIIT, INC. FOR
STORM DEBRIS REMOVAL SERVICES UNDER STATE CONTRACT**

WHEREAS, pursuant to Governor Chris Christie's Executive Order No. 104 declaring a State of Emergency in relation to Superstorm Sandy, which devastated certain sections of the Bayshore region of Middletown while also causing significant damage throughout the rest of the Township; and

WHEREAS, thousands of tons of storm debris has impeded public roadways, rights of way and other public property, and pose a significant danger to the public health, safety and welfare, therefore, requiring immediate removal and proper disposal in conformance NJDEP regulations; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 authorize the award of emergency contracts without public bidding when the public's health, safety and welfare is at risk; and

WHEREAS, the Township immediately required FEMA reimbursement eligible debris removal, staging, sorting, recycling and disposal services to remove debris from public roads, rights of way and public property above and beyond the removal of general municipal waste; and

WHEREAS, the Township's Director of Public Works has certified to the existence of such conditions requiring the entry of an emergency contract in consultation with the Mayor, Township Administrator, Chief Financial Officer, Township Attorney and Purchasing Director so the performance of storm debris removal services could immediately begin.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the entry of an emergency debris removal contract with Ashbriit, Inc. is hereby ratified and accepted pursuant to the terms and conditions of the State Contract Documents attached hereto and made part hereof.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are currently available to begin performance under this Contract, but whereas the ultimate Contract cost cannot be ascertained at this time, it may require a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 until such time as FEMA reimbursements are received.

BE IT FURTHER RESOLVED that the Township Administrator, Director of Public Works, Chief Financial Officer, Township Clerk, Purchasing Director and Township Attorney are hereby authorized and directed to take any necessary and appropriate actions to ensure performance under this emergency debris removal contract to immediately restore the public health, safety and welfare.

RESOLUTION NO. 12-248

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION RATIFYING EMERGENCY CONTRACT WITH ARCADIS-US, INC.
FOR STORM DEBRIS MANAGEMENT MONITORING AND TECHNICAL
ASSISTANCE SERVICES UNDER STATE CONTRACT**

WHEREAS, pursuant to Governor Chris Christie's Executive Order No. 104 declaring a State of Emergency in relation to Superstorm Sandy, which devastated certain sections of the Bayshore region of Middletown while also causing significant damage throughout the rest of the Township; and

WHEREAS, thousands of tons of storm debris has impeded public roadways, rights of way and other public property, and pose a significant danger to the public health, safety and welfare, therefore, requiring immediate removal and proper disposal in conformance NJDEP regulations; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 authorize the award of emergency contracts without public bidding when the public's health, safety and welfare is at risk; and

WHEREAS, the Township immediately required FEMA reimbursement eligible Emergency Storm Debris Management Monitoring and Technical Assistance Services to properly monitor and document the disposal of storm debris in conformance with FEMA regulations; and

WHEREAS, the Township's Director of Public Works has certified to the existence of such conditions requiring the entry of an emergency contract in consultation with the Mayor, Township Administrator, Chief Financial Officer, Township Attorney and Purchasing Director so the performance of storm debris removal services could immediately begin.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the entry of an Emergency Debris Management Monitoring and Technical Assistance contract with ARCADIS-US, Inc. is hereby ratified and accepted pursuant to the terms and conditions of the State Contract Documents attached hereto and made part hereof.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are currently available to begin performance under this Contract, but whereas the ultimate Contract cost cannot be ascertained at this time, it may require a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 until such time as FEMA reimbursements are received.

BE IT FURTHER RESOLVED that the Township Administrator, Director of Public Works, Chief Financial Officer, Township Clerk, Purchasing Director and Township Attorney are hereby authorized and directed to take any necessary and appropriate actions to ensure

performance under this emergency debris removal contract to immediately restore the public health, safety and welfare.

RESOLUTION NO. 12-249

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION RATIFYING EMERGENCY CONTRACT WITH BENNETT
PROPERTY & DESIGN WORKS FOR CURBSIDE COLLECTION AND TRUCKING
OF STORM DEBRIS**

WHEREAS, pursuant to Governor Chris Christie's Executive Order No. 104 declaring a State of Emergency in relation to Superstorm Sandy, which devastated certain sections of the Bayshore region of Middletown while also causing significant damage throughout the rest of the Township; and

WHEREAS, thousands of tons of storm debris has impeded public roadways, rights of way and other public property, and pose a significant danger to the public health, safety and welfare, therefore, requiring immediate removal and proper disposal in conformance NJDEP regulations; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 authorize the award of emergency contracts without public bidding when the public's health, safety and welfare is at risk; and

WHEREAS, the Township immediately required curbside collection and trucking of storm debris not falling under the Township's standard garbage, brush or leaf collection contracts; and

WHEREAS, the Township's Director of Public Works has certified to the existence of such conditions requiring the entry of an emergency contract in consultation with the Mayor, Township Administrator, Chief Financial Officer, Township Attorney and Purchasing Director so the performance curbside collection and trucking of storm debris could immediately begin; and

WHEREAS, pursuant to Resolution No. 12-227, Bennett Property & Design Works is already under contract with the Township for multi-zone curbside leaf collection for the period covering November 19-December 22, 2012, but the services that were and are immediately required are beyond the scope of said pre-existing contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the entry of an emergency contract with Bennett Property & Design Works, Post Office Box 4082, Middletown, New Jersey 07748 for curbside collection and trucking of storm debris.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are currently available to begin performance under this Contract, but whereas the ultimate Contract

cost cannot be ascertained at this time, it may require a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 until such time as FEMA reimbursements are received.

BE IT FURTHER RESOLVED that the Township Administrator, Director of Public Works, Chief Financial Officer, Township Clerk, Purchasing Director and Township Attorney are hereby authorized and directed to take any necessary and appropriate actions to ensure performance under this emergency debris removal contract to immediately restore the public health, safety and welfare.

RESOLUTION NO. 12-250

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION WAIVING INTEREST CHARGED ON UNPAID
TAXES OR ASSESSMENTS THROUGH NOVEMBER 16TH**

WHEREAS, N.J.S.A. 54:4-67 permits local governing bodies to fix the rate of interest to be charged for the non-payment of taxes or assessments, which the Township did via Resolution 12-058; and

WHEREAS, in the wake of Superstorm Sandy, pursuant to Governor Chris Christie's Executive Order No. 113, the grace period for property taxpayers for the payment of fourth quarter taxes was extended to November 16, 2012 but for those municipalities which have accelerated tax sale processes such as Middletown; and

WHEREAS, the Township of Middletown has already adopted its budget for 2012, established interest rates for unpaid municipal taxes or assessments and adopted an accelerated tax sale process pursuant to N.J.S.A. 54:5-19 by Resolution 12-057, of which Middletown's budget is reliant upon to ensure sufficient revenue is in place to pay the Township's budgeted obligations; and

WHEREAS, eliminating the accelerated tax sale process in Middletown to conform with this extension of the grace period could result in a budgetary shortfall as much as \$3 million at a time when additional funds are more needed than ever to clean-up and rebuild public infrastructure in the aftermath of Superstorm Sandy; and

WHEREAS, to give the benefit of this extension of the grace period to Middletown's taxpayers who have been greatly affected by Superstorm Sandy, the Township Committee wishes to waive interest charges accrued through November 16, 2012 while maintaining the Township's accelerated tax sale process to ensure no budgetary shortfall takes place.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that any interest charges applied to unpaid taxes for the fourth quarter of 2012 shall be waived through November 16, 2012 notwithstanding the provisions of Resolution 12-058, which shall remain in full force and effect but for the period covering the due date of fourth quarter tax payments, November 1, 2012 through November 16, 2012.

BE IT FURTHER RESOLVED that any tax payments made after November 16, 2012 shall be assessed interest charges as specified pursuant to Resolution No. 12-058.

RESOLUTION NO. 12-251

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION RATIFYING EMERGENCY CONTRACT WITH SUTTON TRUCKING
LLC FOR CURBSIDE COLLECTION AND TRUCKING OF STORM DEBRIS**

WHEREAS, pursuant to Governor Chris Christie's Executive Order No. 104 declaring a State of Emergency in relation to Superstorm Sandy, which devastated certain sections of the Bayshore region of Middletown while also causing significant damage throughout the rest of the Township; and

WHEREAS, thousands of tons of storm debris has impeded public roadways, rights of way and other public property, and pose a significant danger to the public health, safety and welfare, therefore, requiring immediate removal and proper disposal in conformance NJDEP regulations; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 authorize the award of emergency contracts without public bidding when the public's health, safety and welfare is at risk; and

WHEREAS, the Township immediately required curbside collection and trucking of storm debris not falling under the Township's standard garbage, brush or leaf collection contracts; and

WHEREAS, the Township's Director of Public Works has certified to the existence of such conditions requiring the entry of an emergency contract in consultation with the Mayor, Township Administrator, Chief Financial Officer, Township Attorney and Purchasing Director so the performance curbside collection and trucking of storm debris could immediately begin; and

WHEREAS, pursuant to Resolution No. 10-264, Sutton Trucking LLC is already under contract with the Township for snow plowing services through December 31, 2012, but the services that were and are immediately required are beyond the scope of said pre-existing contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the entry of an emergency contract with Sutton Trucking LLC, 522 Shark River Road, Wall, New Jersey 07727 for curbside collection and trucking of storm debris is hereby ratified and accepted by the Township Committee.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are currently available to begin performance under this Contract, but whereas the ultimate Contract cost cannot be ascertained at this time, it may require a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 until such time as FEMA reimbursements are received.

BE IT FURTHER RESOLVED that the Township Administrator, Director of Public Works, Chief Financial Officer, Township Clerk, Purchasing Director and Township Attorney are hereby authorized and directed to take any necessary and appropriate actions to ensure performance under this emergency debris removal contract to immediately restore the public health, safety and welfare.

RESOLUTION NO. 12-252

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION RATIFYING EMERGENCY CONTRACT WITH MONTECALVO
DISPOSAL SERVICES, INC. FOR LOADING AND TRUCKING OF STORM DEBRIS
FROM TEMPORARY STORM DEBRIS SITES**

WHEREAS, pursuant to Governor Chris Christie's Executive Order No. 104 declaring a State of Emergency in relation to Superstorm Sandy, which devastated certain sections of the Bayshore region of Middletown while also causing significant damage throughout the rest of the Township; and

WHEREAS, thousands of tons of storm debris has impeded public roadways, rights of way and other public property, and pose a significant danger to the public health, safety and welfare, therefore, requiring immediate removal and proper disposal in conformance NJDEP regulations; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 authorize the award of emergency contracts without public bidding when the public's health, safety and welfare is at risk; and

WHEREAS, the Township immediately required loading and trucking services for storm debris stored at temporary sites throughout the Township; and

WHEREAS, the Township's Director of Public Works has certified to the existence of such conditions requiring the entry of an emergency contract in consultation with the Mayor, Township Administrator, Chief Financial Officer, Township Attorney and Purchasing Director so the performance curbside collection and trucking of storm debris could immediately begin.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the entry of an emergency contract with Montecalvo Disposal Services, Inc., 75 Crows Mill Road, Post Office Box 290, Keasbey, New Jersey 08832 for the loading and trucking services for storm debris stored at temporary sites throughout the Township is hereby ratified and accepted.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are currently available to begin performance under this Contract, but whereas the ultimate Contract cost cannot be ascertained at this time, it may require a special emergency appropriation pursuant to N.J.S.A. 40A:4-54 until such time as FEMA reimbursements are received.

BE IT FURTHER RESOLVED that the Township Administrator, Director of Public Works, Chief Financial Officer, Township Clerk, Purchasing Director and Township Attorney are hereby authorized and directed to take any necessary and appropriate actions to ensure performance under this emergency debris removal contract to immediately restore the public health, safety and welfare.